

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL OBVIOUSNESS-
TYPE DOUBLE PATENTING REJECTION OVER A PRIOR APPLICATION**Docket No.
014811.27.8DV

In the Application of: Nnochiri N. Ekwuribe et al.
Application No.: 09/429,798
Filed: October 29, 1999
For: BLOOD-BRAIN BARRIER THERAPEUTICS

The owner of the entire interest in the instant application, Nobex Corporation, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,703,381 to Ekwuribe et al., issued March 9, 2004. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

Signature

Date

Jan. 10TH 2005

3. ☒ The Commissioner is hereby authorized to charge the terminal disclaimer fees or credit any overpayment to Deposit Account Number: 13-4365

Signature

Date

Jan. 10TH, 2005**Name and Address of Person Signing**

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Facsimile Transmission Certificate**ATTN: Examiner Maury A. Audet**

I hereby certify that this correspondence is being filed in the US Patent and Trademark Office, via facsimile transmission to Commissioner for Patents, ATTN: Examiner Maury A. Audet on January 10, 2005, to facsimile transmission number (571) 273-0960.

Karina Holland
Karina Holland

TRJ1697433v1

Moore & Van Allen PLLC

GENERAL POWER OF ATTORNEY

Nobex Corp., a corporation organized and existing under the laws of Delaware and having a principal place of business at 617 Davis Drive, Suite 100, Durham, North Carolina 27713 ("Company"), appoints William A. Barrett, Jerry W. Clark, Dominic J. Chiantera, Charles L. Evans, Kevin M. Capalbo, David Fox, Arlene D. Hanks, Joyce W. Jenzano, Michael G. Johnston, Charles L. Moore, Jr., Steven B. Phillips, Ellen A. Rubel, Jennifer L. Skord, John E. Slaughter, III, Gregory Stephens and Matthew W. Witsil, all members of the bar of the State of North Carolina, and all members of the firm Moore & Van Allen PLLC, acting together or separately, as its attorneys with the full power to proceed on its behalf, to execute and file trademark and service mark applications; to prosecute such application(s); to receive the Certificate(s) of Registration; to file pleadings, responses or motions in the United States Patent and Trademark Office and the United States courts; to receive all official communications and to transact all business in connection with Company's trademarks and service marks.

Recognizing that Internet communications are not secure, Company authorizes the United States Patent and Trademark Office to communicate with its attorneys concerning any subject matter by electronic mail. Company understands that a copy of these communications will be made of record in the United States Patent and Trademark Office.

Company revokes all previous powers of attorney with respect to the subject matter hereof.

Signed at Durham, North Carolina, on 17 December 2004.

NOBEX CORPORATION

By: Name: Dr. Christopher H. PriceTitle: President & Chief Executive Officer

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